

Hello

My name is John Wells

I would like to thank the Honorable members of the committee for allowing myself and others the opportunity to share our stories of Civil Asset Forfeiture. I would also like to thank Representative Lucido for shedding light on the topic of civil asset forfeiture.

I have three children and I have taught them all that taking something that does not belong to you is wrong. This is not a foreign idea. This idea is taught throughout the world in many cultures.

In America we the people are afforded protections under the US Constitution. These protections include the Fourth Amendment which provides for the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures .

Michigan law enforcement agencies confiscated more than \$15 million in forfeited cash as well as property from individuals linked to suspected crimes in 2016, but a new report shows charges were never filed in nearly 10 percent of the cases (source Detroit News).

On March 9th of 2016 I became part of that 10% when my car along with several personal items was removed from a parking lot without my permission. The car is registered and titled to me and only me. Had I not been contacted by several concerned citizens in the area I may have never know the facts surrounding the event. I raced to the area where I had left the car parked and upon arrival I was ordered to leave immediately by a person whom I believe to have been a law enforcement officer. I was later informed by an eye witness that after I left two of the officers became embroiled in an argument over ordering me to leave and not taking the truck I arrived in. The one officer had stated " I wanted that truck". Not only did they drive off in my car but they used it to haul away other items from the area they were working.

I asked an attorney to contact the local police. He did so and was informed that the local department was unaware of any such actions in the area. So who do you call when the people taking your property are wearing badges?

To date no law enforcement officer or prosecutor has even contacted me for questioning in connection with any crime or with an explanation of why my property was taken. This amounts to a lack of due process. And in short is just plain un Americana.

I should note that I am disabled from a semi accident and require extensive medical care. Losing my car left me without a way to get to medical appointments, test or a way to get my daughter to work.

I had promised this car to my daughter so she could attend a local college as she had helped me buy it and repair it since it was a basket case when I got it, but that was all I could afford at the time.

The immediate consequences of losing my car was a loss of income which led to us having to give up a beloved family pet as we could no longer care care for him. We had to beg our friends and family for rides to appointments and for money to pay for our food and bills. I missed several medical appointments and my health has never recovered.

Now that I understand Civil Asset Forfeiture a little better I know that most people could not fight for the return of their property even if they knew how because it would cost more in legal fees than the property was worth.

Our own prosecutors have publicly stated civil asset forfeiture proceeds are being used to fulfill budget shortfalls. This makes the process ripe for abuse.

I recently attended a police auction to better understand how the system works. I was shocked to find police selling forfeited items such as toys, bikes, hand guns , long guns, tools, household items and grow equipment. Some of the items I seen still had marijuana on them.

When law enforcement takes a persons property it deprives that person of the use of that property. And in many cases this causes undue hardship on an innocent person.

Civil Asset Forfeiture could be a useful tool in fighting crime but when it is improperly used it not only denies a person the right to due process it taints the public's perception of law enforcement and makes it harder for them to do their job.

We as a society create laws to protect our citizens. I believe Civil asset forfeiture was conceived as a way to help law enforcement combat crime. However if it is harming 10% of the people it is supposed to help protect then we must change it. We are better than this. Lets show the people of the great state of Michigan that their elected officials care about their rights and will stand up to protect them. Thank You